

#148145

**FILED**  
2008 APR 30 PM 4:22  
RICHARD E. REEDER, CLERK

IN THE CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE  
AT NASHVILLE

CATHI BRUMLEY and JOHN BRUMLEY, )

Plaintiffs, )

v. )

HARVEST CONSTRUCTION )  
COMPANY, L.L.C., )

Defendant. )

CIVIL ACTION NO.:  
08C1345

**JURY DEMAND**

COMPLAINT

Cathi Brumley and John Brumley (hereinafter collectively "Plaintiffs") allege as follows:

NATURE OF THE ACTION/PRELIMINARY STATEMENT

1. This is a civil action brought by the Plaintiffs, against Defendant Harvest Construction Company, L.L.C., for personal injury caused to Plaintiff Cathi Brumley as a result of a fall she suffered when she tripped over cardboard negligently left unsecured by an agent or employee of Harvest Construction at 102 Woodmont Boulevard, Nashville, Tennessee on or about August 29, 2007.

JURISDICTION, VENUE AND THE PARTIES

2. Plaintiffs were at all times material hereto citizens and residents of Pegram, Cheatham County, Tennessee.

3. Defendant Harvest Construction Company, L.L.C. (hereinafter "Harvest Construction"), is a limited liability company organized and existing under the laws of the State of Tennessee, with its principal place of business located at 2148 Chickering Lane, Nashville, Tennessee 37215. Its agent for service of process is Tim Farley, 630 Southgate Avenue, Nashville, Tennessee 37203.

4. Defendant Harvest Construction, by and through its agents and/or employees was, on August 29, 2007, engaged in certain business activities on the premises of 102 Woodmont Boulevard, Nashville, Tennessee.

5. The allegations contained herein were committed within Davidson County, Tennessee, and as such, this Court has proper venue and jurisdiction over the matter.

#### **FACTUAL ALLEGATIONS**

6. On or about August 29, 2007, at approximately 5:00 p.m., Plaintiff Cathi Brumley was walking in the hallways of 102 Woodmont Boulevard, Nashville, Tennessee, to drop off mail at the facilities mailroom located on the lower level of Woodmont Centre II.

7. As Mrs. Brumley walked down the hallway she tripped on a piece of cardboard causing her to fall.

8. As a result of her fall, Mrs. Brumley suffered injury to her arm and head and was taken by ambulance to St. Thomas Hospital.

9. After being discharged from St. Thomas, Mrs. Brumley followed up with Jane M. Seigel, M.D., an orthopaedic surgery with a specialization in surgery of the hand and upper extremity, with Tennessee Orthopaedic Alliance who performed surgery on Mrs. Brumley's arm.

10. Mrs. Brumley has followed up with various other healthcare providers for her injuries as needed and directed.

11. Mrs. Brumley's fall and injuries were caused by a hazardous condition in the hallways of 102 Woodmont Boulevard, Nashville, Tennessee, caused by an employee or agent of Harvest Construction, which is vicariously liable for the negligence of its employee or agent.

12. In the process of moving items into and/or out of the facility, employees or agents of Harvest Construction laid pieces of cardboard down to protect the floor in the building.

13. The pieces of cardboard laid down to protect the floor in the building were taped down by employees or agents of Harvest Construction.

14. In the process of removing the cardboard at the completion of the moving process, employees or agents of Harvest Construction left the piece of cardboard Mrs. Brumley tripped over in the hallway unsecured.

15. Harvest Construction had a duty to remove the cardboard in a manner. Harvest Construction, by and through its employees or agents, had actual

and constructive knowledge that the condition causing Mrs. Brumley's fall existed prior to the accident and failed to use due care under the circumstances.

16. As a direct and proximate result of Harvest Construction's negligent conduct, and the negligence and conduct of Harvest Construction's employees and agents, Mrs. Brumley received serious, painful and lasting injuries to her body.

17. As a direct and proximate result of Harvest Construction's negligent and reckless conduct, Mrs. Brumley has suffered bodily injury for which she is entitled to damages for past and future medical expense, past and future physical pain and suffering, mental anguish, lost wages and past and future lost capacity for the enjoyment of life.

18. As a result of Plaintiff Cathi Brumley's physical injuries, Plaintiff John Brumley has suffered loss of consortium, love, affection, services and companionship with respect to his wife, including all tangible and intangible elements of these damages.

#### **PRAYER FOR RELIEF**

19. WHEREFORE, premises considered, Plaintiffs make the following prayer for relief:

(a) Process issue requiring Defendant Harvest Construction to answer this Complaint within the time required by law;

(b) That the Plaintiffs be granted judgment against the Defendant, and awarded compensatory damages in the amount to be determined by a fair and impartial jury, and not to exceed, \$300,000.00; and

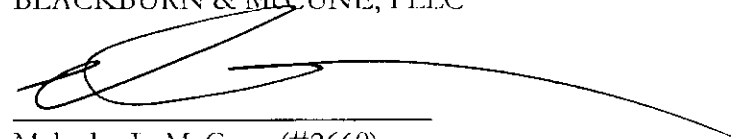
(c) For such other further and general relief to which the Court deems Plaintiffs are entitled.

**JURY DEMAND**

20. Plaintiffs hereby demand a trial by jury of this matter.

Respectfully submitted,

BLACKBURN & McCUNE, PLLC



---

Malcolm L. McCune (#2660)  
101 Lea Avenue  
Nashville, Tennessee 37210  
Telephone: (615) 254-7770  
Facsimile: (615) 251-1385  
Attorneys for Plaintiffs